

REMARKS

Applicants respectfully request further examination and reconsideration in view of the instant response. Claims 1-26 are pending in the application. Claims 1-26 are rejected. Claims 1-3, 10, 11, 16, 17 and 22 are amended herein. No new matter has been added as result of amendments. Support for the amendments can be found in the instant specification at least at page 9, lines 12-21 and page 19, line 17 - page 21, line 21.

REJECTIONS

35 U.S.C. §103(a) – Claims 1-26

The final Office Action mailed January 6, 2010, hereinafter referred to as the “instant Office Action,” states that Claims 1-26 are rejected under 35 U.S.C. §103(a) as being unpatentable over US Patent No. 6,122,520 to Want et al., hereinafter referred to as “Want,” in view of US Patent No. 7,035,896 to Schneider et al., hereinafter referred to as “Schneider.” Applicants have reviewed Want and Schneider and respectfully submit that the embodiments as recited in Claims 1-26 are patentable over Want in view of Schneider for at least the following rationale.

“As reiterated by the Supreme Court in *KSR*, the framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). Obviousness is a question of law based on underlying factual inquiries” including “[a]scertaining

the differences between the claimed invention and the prior art” (MPEP 2141(II)). “In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious” (emphasis in original; MPEP 2141.02(I)). Applicants note that “[t]he prior art reference (or references when combined) need not teach or suggest all the claim limitations, however, Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art” (emphasis added; MPEP 2141(III)).

Applicants respectfully note that “[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention” (emphasis in original; MPEP 2141.02(VI); *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984)).

Applicants respectfully submit that the rejection of the claims is improper as the rejection of Claims 1-26 does not satisfy the requirements of a *prima facie* case of obviousness as claim embodiments are not met by Want in view of Schneider. Applicants respectfully submit that Want in view of Schneider does not teach or suggest the claimed embodiments in the manner set forth in independent Claims 1, 10, 16 and 22.

Independent Claim 1 recites (emphasis added):

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A computer readable storage medium having a data structure disposed therein for providing information corresponding to a geographic location, said data structure comprising:

a first data field for identifying said geographic location and positional data related to a physical location of said geographic location; and

a second data field associated with said first data field for containing said information, said second field is comprising a uniform resource locator, wherein a user can access said information;

wherein said first data field and said second data field are linked such that said data structure comprising said positional data and said uniform resource locator related to said physical location functions as a virtual beacon and is downloadable to a client device near said physical location such that said uniform resource locator is accessible by said user without browsing;

said virtual beacon selectively provides a portion of said information to said client device on said network, wherein said portion is based on a context relating to a user of said client device;
and
said context and said information is dynamically updated based on a condition relating to a temporal pertinence of said information.

Independent Claims 10, 16 and 22 recite similar embodiments to Claim 1. Moreover, Claims 2-9 that depend from independent Claim 1, Claims 11-15 that depend from independent Claim 10, Claims 17-21 that depend from independent Claim 16 and Claims 23-26 that depend from independent Claim 22 also include these embodiments.

Applicants respectfully submit that Want does not teach, describe or suggest “said virtual beacon selectively provides a portion of said information to said client device on said network, wherein said portion is based on a context relating to a user of said client device” and “said context and said information is

dynamically updated based on a condition relating to a temporal pertinence of said information” (emphasis added) as claimed.

Applicants understand Want to disclose a “location information system uses a positioning system, such as the civilian Navstar Global Positioning System (GPS), in combination with a distributed network” (Abstract). In particular, Want recites,

“FIG. 2 shows a web page 310 corresponding to a particular coordinate entry. In preferred embodiments, the coordinate entry is referenced to a URL residing on the predetermined node 300. The web page 310 may have a unique or proprietary pre-existing URL, such as, for example, <http://www.xerox.com>, or may use the coordinate entry as part of the URL, such as, for example, <http://www.vworld.com/coordinates/<lat>/<long>/<alt>>. The coordinate entry may alternately be referenced to the directory page on the predetermined node 300 which links to an existing web page on a separate node of the distributed network 305. The directory page may also have a URL incorporating the coordinate entry such as, for example, <http://www.vworld.com/coordinates/<lat>/<long>/<alt>>.

The web page 310 of FIG. 2 has a URL of [http://www.vworld.com/coordinates /<32.1>/<60.0>/<0>](http://www.vworld.com/coordinates/<32.1>/<60.0>/<0>), where 32.1 is a latitude coordinate, 60.0 is a longitude coordinate and 0 is an altitude. In this example, the web page 310 shows business data such as stock quotes, inventory/product information, future expansion plans and other business data. The web page 310 may, of course, provide other information associated with a particular coordinate entry, such as historical site information including local vegetation information or the like.”

(emphasis added, Want, col. 5. lines 44-67)

Applicants respectfully submit that “a web page 310 corresponding to a particular coordinate entry” where the web page provides “other information,” as disclosed by Want, does not teach, describe or suggest “said virtual beacon selectively provides a portion of said information to said client device on said

network, wherein said portion is based on a context relating to a user of said client device” and “said context and said information is dynamically updated based on a condition relating to a temporal pertinence of said information” (emphasis added) as claimed.

Moreover, Applicants respectfully submit that Schneider does not overcome the deficiencies of Want, because Applicants respectfully submit that Schneider also does not teach, describe or suggest “said virtual beacon selectively provides a portion of said information to said client device on said network, wherein said portion is based on a context relating to a user of said client device” and “said context and said information is dynamically updated based on a condition relating to a temporal pertinence of said information” (emphasis added) as claimed.

Applicants understand Schneider to disclose “[a] device, network access apparatus executes any program such as a servlet, applet, script, or web browser” (Abstract). In particular, Applicants understand Schneider to disclose, “In general, in accordance with the present invention a method for accessing a network resource includes the steps of executing a program, wherein the program can access the network resource, determining that the network resource corresponding to the program is dependent upon one of a time and location, retrieving from a data structure, a data record having the network resource, wherein the data record corresponds to one of a time and location, and

accessing the network resource from the program.” (Schneider, col. 2 line 61 through col. 3 line 2).

Applicants respectfully submit that “wherein the data record corresponds to one of a time and location, and accessing the network resource from the program,” as disclosed by Schneider does not teach, describe or suggest, “said virtual beacon selectively provides a portion of said information to said client device on said network, wherein said portion is based on a context relating to a user of said client device” and “said context and said information is dynamically updated based on a condition relating to a temporal pertinence of said information” (emphasis added) as claimed.

Therefore, Applicants submit that Want in view of Schneider fails to teach, describe or suggest the embodiments of independent Claims 1, 10, 16 and 22. As the claimed embodiments as a whole are not met by Want in view of Schneider, Applicants respectfully submit that the rejection does not satisfy the requirements of a *prima facie* case of obviousness.

Applicants respectfully assert that Want in view of Schneider does not render obvious the claimed embodiments of the present invention as recited in independent Claims 1, 10, 16 and 22, that these claims overcome the rejection under 35 U.S.C. § 103(a), and that these claims are thus in a condition for allowance. Therefore, Applicants respectfully submit that Want in view of

Schneider also does not render obvious the claimed embodiments as recited in Claims 2-9 that depend from independent Claim 1, Claims 11-15 that depend from independent Claim 10, Claims 17-21 that depend from independent Claim 16, and Claims 23-26 that depend from independent Claim 22, and that Claims 2-9, 11-15, 17-21 and 23-26 also overcome the rejection under 35 U.S.C. § 103(a), and are in a condition for allowance as being dependent on an allowable base claim.

CONCLUSION

Based on the arguments presented above, Applicants respectfully assert that Claims 1-26 overcome the rejections of record and, therefore, Applicants respectfully solicit allowance of these claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

WAGNER BLECHER L.L.P.

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/John P. Wagner, Jr./
John P. Wagner, Jr.
Registration No. 35,398

123 Westridge Dr.
Watsonville, CA 95076
(408) 377-0500